

EXHIBIT 42

CONFIDENTIAL



Transcript of **Andrea Sferes**

Tuesday, April 19, 2022

National Coalition on Black Civic Participation, et al. v. Jacob Wohl, et al.

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Reference Number: 115542

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

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4 NATIONAL COALITION ON BLACK CIVIC PARTICIPATION,
5 MARY WINTER, GENE STEINBERG, NANCY HART, SARAH
6 WOLFF, KAREN SLAVEN, KATE KENNEDY, EDA DANIEL and
ANDREA SFERES,

7 Plaintiffs,

8 -and-
9

10 People of the STATE OF NEW YORK, by its Attorney
11 General, LETITIA JAMES, ATTORNEY GENERAL OF THE
STATE OF NEW YORK

12 -vs-

13 JACOB WOHL, JACK BURKMAN, J.M. BURKMAN & ASSOCIATES,
14 LLC, PROJECT 1599, MESSAGE COMMUNICATIONS, INC.,
ROBERT MAHANIAN and JOHN and JANE DOES 1-10

15 Defendants.
16 -----
17

18 Deposition of ANDREA SFERES taken via Zoom on
19 Tuesday, April 19, 2022 at 10:00 a.m., before
20 Deirdre Smith, a stenographer and notary public
21 within and for the State of New York.
22
23

24 CONFIDENTIAL
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1 A P P E A R A N C E S

2

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18 BY: COLLEEN FERITY

19

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22

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1 A. (212)475-0890.

2 Q. And what is your race or ethnicity?

3 MR. EPSTEIN: Objection.

4 A. Caucasian.

5 Q. Are you registered voter?

6 A. Yes.

7 Q. And where are you registered to vote?

8 A. In Westchester.

9 Q. And what is your voter registration
10 address?

11 A. 22 Wakeman Road, South Salem, New York,
12 10510.

13 Q. What political party are you registered to
14 vote for?

15 A. Democratic.

16 Q. How long have you been registered as a
17 Democrat?

18 A. Thirty-nine years.

19 Q. And what is your primary address for tax
20 purposes?

21 MR. EPSTEIN: Objection.

22 A. 22 Wakeman Road, South Salem, New York,
23 10510.

24 Q. Did you vote in the 2020 presidential
25 election?

1 Q. And do you currently know who Jack Burkman
2 is?

3 A. Yes.

4 Q. And have you ever met Mr. Burkman?

5 A. I have not.

6 Q. Have you ever spoken to Mr. Burkman
7 before?

8 A. No.

9 Q. Have you ever attempted to meet or speak
10 to Mr. Burkman?

11 A. No.

12 Q. And are you alarmed when you hear a
13 campaign add that you believe to be false?

14 MR. EPSTEIN: Objection.

15 A. I can be.

16 Q. Why?

17 A. Because I feel that it's wrong to
18 disseminate false information to the public.

19 Q. But would you agree that we hear a lot of
20 these falsehoods in these campaigns and political
21 cycles?

22 MR. EPSTEIN: Objection.

23 A. Only recently.

24 Q. Until only recently do you believe that
25 everything you hear in a campaign that is said is

1 A. I had a reaction, momentarily, that did
2 make me feel scared, yes.

3 Q. And why? Can you just explain that?

4 A. I had some outstanding medical debt that I
5 was just like kind of questioning because I heard
6 this said, you know, in the call, I was just
7 questioning whether that was true or not,
8 momentarily, and I, yeah.

9 Q. And then you came to the conclusion that
10 it was not true?

11 A. Yes.

12 Q. And how did you come to that conclusion?

13 A. I thought about it, then came to that
14 conclusion.

15 Q. Do you think the robocall was designed or
16 created to be scary?

17 MR. EPSTEIN: Objection.

18 A. Can you be more specific?

19 Q. Do you believe that the intention behind
20 creating the robocall was to scare people?

21 MR. EPSTEIN: Objection. Calls for
22 speculation.

23 A. I believe the intention was to scare
24 people away from voting by mail.

25 Q. Do you think the robocall was designed to

1 of the word, dangerous, do you associate that word
2 with physical harm?

3 A. Yes.

4 Q. You were also asked earlier whether the
5 call was --

6 MR. EPSTEIN: Strike that.

7 Q. You were asked earlier whether you were
8 intimidated by the call. You were also asked
9 earlier whether you were threatened by the call.
10 Did the call cause you to feel anxiety?

11 A. Yes.

12 Q. Did you feel nervous because of the call?

13 A. Yes.

14 MR. EPSTEIN: No more questions.

15 REDIRECT BY

16 MS. NICOLE EPSTEIN:

17 Q. Ms. Sferes, when you say you felt nervous
18 from the call how long, approximately, did you feel
19 nervous for?

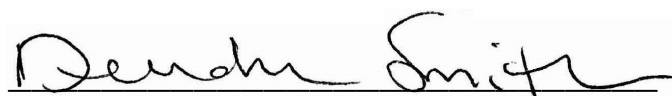
20 A. I would say a couple days.

21 Q. So, you felt nervous even though you
22 stated that you knew it was false, since you posted
23 it on the your Facebook page immediately after
24 receiving the call. So you were still nervous even
25 though you knew it was false?

C E R T I F I C A T I O N

THIS IS TO CERTIFY, THAT I, DEIRDRE M. SMITH, on Tuesday, April 19th of 2022, reported the proceedings contained in the foregoing 64 pages at the time and place as set forth in the heading in the foregoing matter. That the transcript is a true and accurate transcription of my stenographic notes, using Computer Aided Transcription, to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of April, 2022.



Deirdre M. Smith